

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 49

This is in response to your letter of October 30, 1975, requesting the Ethics Commission to determine whether or not Employee X violated any of the provisions of the standards of conduct in the Rev. Ordinances of Honolulu 1969 and the Revised Charter.

Our answer is no. Our investigation has revealed that Employee X is a real estate salesman and appraiser. His job title with the City is Accountant IV with the General Fiscal Service Section of the Department of Finance which services the Department of Finance and Budget Department.

The pertinent provision which would be applicable in this situation is RCH Section 10-104, which reads:

No elected or appointed officer or employee shall use his official position to secure or grant special consideration, treatment, advantage, privilege or exemption to himself or any person beyond that which is available to every other person.

When the primary duties and responsibilities of Employee X are analyzed in relation to the foregoing Charter provision, we are of the opinion that Employee X's activities as a real estate salesman and as a real estate appraiser are not in conflict with the cited provision. His activities are not in conflict with the cited provision because his present duties and responsibilities do not provide him the opportunity to obtain information which is not available to a non-City employee.

On the other hand, it may be argued that in servicing the Department of Budget, he may obtain special information relating to the capital improvement program for the City, inasmuch as the Department of Budget prepares the annual and six-year capital improvement program. We doubt that Employee X is in a special position to obtain information dealing with the capital improvement program of the City because X's primary duty and responsibility in relation to the Department of Budget is as an accountant. Moreover, he is not an employee of the Department of Budget but an employee of the Department of Finance.

Based on the foregoing, we conclude that Employee X's outside activity as a real estate salesman and appraiser does not conflict with his duties and responsibilities nor is there an appearance of any conflict of interest.

Dated: Honolulu, Hawai'i, January 14, 1976.

ETHICS COMMISSION
Rev. William Smith, Chairman